

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FILED OCT 01 2014

ANDRE CHEATOM : CIVIL ACTION  
: :  
v. : :  
: :  
CENTRAL INTELLIGENCE AGENCY, : NO. 14-4993  
et al. :

MEMORANDUM

SLOMSKY, J.

October 1  
SEPTEMBER, 2014

Plaintiff Andre Cheatom brings this action against the Central Intelligence Agency, DARPA, the F.B.I., the United States government, and the Department of Defense. He also filed an amended motion to proceed *in forma pauperis*, which the Court will grant.<sup>1</sup> For the following reasons, the Court will dismiss plaintiff's complaint.

As plaintiff is proceeding *in forma pauperis*, the Court must dismiss his complaint if it is frivolous or fails to state a claim. See 28 U.S.C. § 1915(e)(2)(B)(i)-(ii). A complaint is frivolous if it "lacks an arguable basis either in law or in fact." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). It is legally baseless if "based on an indisputably meritless legal theory," *Deutsch v. United States*, 67 F.3d 1080, 1085 (3d Cir. 1995), and factually baseless "when the facts alleged rise to the level of the irrational or the wholly incredible." *Denton v. Hernandez*, 504 U.S. 25, 33 (1992). To survive dismissal for failure to state a claim, the complaint must contain "sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quotations omitted). Conclusory statements and naked assertions will not suffice. *Id.*

<sup>1</sup> Although unclear, plaintiff's amended motion to proceed *in forma pauperis* suggests that he is being supported by friends.

ENTERED

OCT 02 2014

CLERK OF COURT

Plaintiff appears to be alleging that the entire federal government, and several federal agencies in particular, are subjecting him to “electronic harassment” and “cyber harassment.” He alleges that the public has observed this harassment through “a federally allowed entertainment channel.” As a result of the alleged harassment, plaintiff claims to have sustained injuries to his brain, lung, heart, eyes, face, and chest, as well as emotional injuries. Having reviewed the complaint, the Court cannot ascertain non-frivolous basis for a claim. Accordingly, the Court will dismiss the complaint with prejudice pursuant 28 U.S.C. § 1915(e)(2)(B)(i)-(ii).<sup>2</sup> An appropriate order follows, which shall be docketed separately.

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<sup>2</sup> The Court concludes that amendment would be futile.

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ORDER

AND NOW, this <sup>1st</sup> day of ~~September~~ <sup>October</sup>, 2014, upon consideration of plaintiff's amended motion to proceed *in forma pauperis* (Document No. 3) and his *pro se* complaint, it is

ORDERED that:

1. Leave to proceed *in forma pauperis* is GRANTED.
2. The complaint is DISMISSED in accordance with the Court's memorandum.
3. The Clerk of Court shall CLOSE this case.

BY THE COURT:

  
JOEL H. SLOMSKY, J.